

**CONDITIONS FOR AUTHORIZATION UNDER THE NJPDES
DISCHARGE TO SURFACE WATER
GENERAL PERMIT FOR SHORT-TERM DISCHARGES (NJ0132993)**

The New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Surface Water (DSW) General Permit for Short-Term Discharges authorizes the discharge of water containing de minimis amounts of pollutants as specified below, without the submittal of a NJPDES permit application or request for authorization and without an individual permit from the Department of Environmental Protection (Department), as of the effective date of this general permit. Authorization under this General Permit for Short-term Discharges shall require submittal of a Clean Water Assurance Certification. A de minimis discharge of pollutants for purposes of this general permit is defined as water, which complies with all of the conditions, specified in this permit. The entity responsible for the work, which results in a discharge authorized by this permit, is required to submit the above referenced certification that the proposed discharge(s) will comply with all of the conditions of this permit. The certifying entity besides submitting the original certification to the Department, must maintain a copy of this certification on-site and where it is impractical to maintain on-site, must provide a copy to the Clerk of the municipality where this discharge activity will occur or occurs. Conditions for discharges authorized by this general permit are further specified below. Questions or comments regarding this permit should be directed to Jim Grob of the Division of Water Quality at (609) 292-4860.

PURPOSE AND SCOPE

The New Jersey Water Pollution Control Act (N.J.S.A.58:10A), requires that all discharges of pollutants into waters of the state be in conformance with a valid NJPDES permit. This permit has been developed to authorize discharges to surface water which are essentially clean yet may contain detectable levels of regulated pollutants. These discharges are not directly associated with industrial processes, site remediation activities or sanitary sewerage systems, and are of a temporary, short-term, non-continuous nature, yet require regulation by the Federal and State statutes and regulations, in accordance with (33 U.S.C. 1251 et seq. at 1972 P.L. 92-500, the Federal Water Pollution Control Act as amended (the Federal Clean Water Act),) N.J.S.A. 58:10A et seq., and N.J.A.C. 7:14A 1.1 et seq. The Department has determined that these types of discharges are appropriately controlled under a general permit, and is issuing this general permit in accordance with 40 CFR 122.28 and 123.25 and N.J.A.C. 7:14A-6.13, thereby exempting this class of discharges from obtaining individual NJPDES/DSW permits. These types of discharges are similar in nature because of their low probability of containing pollutants (other than the pollutants specified below), the relatively infrequent nature of the discharge, and the relatively low concentration of pollutants present in the discharges. Pollutants that may be present in these discharges are specified below and include filterable or dissolved solids, suspended solids, and chlorine and chlorine related compounds. This General Permit requires that these discharges be subject to Tank and Vessel Cleaning Requirements (TVCRs) and Best Management Practices (BMPs) to minimize if not eliminate any environmental impact that may otherwise result from the discharge. This permit operates under the premise that if appropriate BMPs and TVCRs are implemented prior to discharge; no negative or negligible environmental impact should result from the discharge. If appropriate BMPs and TVCRs are not employed and the discharge causes adverse environmental impacts to the receiving waters, the discharge is in violation of this permit and the entity authorizing the activity and certifying compliance with the requirements of this general permit could be subject to enforcement action.

The permittee is not required to submit an application to the Department in order for this type of discharge to be authorized by this permit, other than submission of the Clean Water Assurance Certification. The company or entity conducting the activity which will result in a surface water discharge to be authorized by this permit must submit to the Department an original copy of the Clean Water Assurance Certification in this permit, stating that the discharge will comply with all applicable conditions of this permit, in addition to providing specific information about the discharge itself. This certifying agent will also be responsible for ensuring that the discharge meets all applicable requirements of this general permit during the discharge event. (Specific information regarding the required Clean Water Assurance Certification is found in Section C of this permit. Certification forms are available from the Division of Water Quality.) The company or entity authorizing the work must maintain a copy of the certification for a period of five years. A copy of this certification must also be maintained on site during the discharge event. Where it is not practical to keep a copy on site, a copy must be maintained in the business office of the certifying agent and provided to the clerk in the town or municipality where the discharge activity is occurring.

The discharges below may be eligible for authorization by this permit:

- hydrostatic test water from storage tanks and/or vessels,
- hydrostatic test water from natural gas pipelines

Discharges eligible for authorization under this permit may be discharged to all surface waters of the State of New Jersey (State), directly and via storm sewers, except for waters categorized as FW1 and Shellfish waters, as defined in N.J.A.C. 7:9B-1.15. FW1 waters means those fresh waters, as designated in N.J.A.C. 7:9B-1.15(h) Table 6, that are to be maintained in their natural state of quality (set aside for posterity) and not subjected to any man-made wastewater discharges or increases in runoff from anthropogenic activities. These waters are set aside for posterity because of clarity, color, scenic setting, and other characteristic of aesthetic value, unique ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s). Pursuant to N.J.A.C. 7:9B-1.4, Shellfish waters means waters classified as Approved, Seasonally Approved, Special Restricted, Seasonally Special Restricted or Condemned that support or possess the potential to support shellfish which are within the Coastal Area Facility Review Act (C.A.F.R.A.) zone as delineated in 1973. For Shellfish waters exclusion locations or other information pertaining to FW1 waters or Shellfish waters, the permittee should contact the Department.

Scheduled multiple short-term discharges occurring over a period of time are eligible for authorization under this permit. In these instances the Department requires the Clean Water Assurance Certification to include a schedule of occurrence of all of the discharges. If a discharge cited above exceeds a short-term nature due to unforeseen circumstances and it becomes necessary to extend the duration of the discharge, the certifying agent must submit a written request to the Department for a determination of eligibility to be authorized by or to continue to be authorized by this permit.

For other discharge scenarios not already described in this general permit, the Department may authorize other (multiple) discharges that are short-term in nature and “clean” but which will occur over a period of time under this general permit upon written approval. The agent should submit a request to the Department to be authorized under this permit and include an estimated discharge schedule. Other similar types of planned, non-continuous short-term discharges may

qualify for coverage under this permit on a case-by-case basis based upon individual written approval by the Department.

Questions regarding discharges, which are similar to the discharges, listed above but which are not specified, or questions regarding the eligibility of any discharge by this general permit, should be directed to the Division of Water Quality at (609) 292-4543 so that a permit determination can be made.

Incidental discharges to ground waters of the State which may result from a discharge authorized by this permit, such as from overland flow on the way to the storm sewer or surface water conveyance, are also authorized under this general permit.

EXCLUSIONS

Discharges **specifically excluded** from authorization under this permit include:

- all discharges of industrial process wastewater including contact and non-contact cooling water,
- sanitary sewer flushing,
- discharges from domestic, publicly or privately owned, and industrial treatment works
- combined sewer overflow,
- sanitary sewer overflow,
- all stormwater discharges,
- discharges associated with site remediation activities, including water from well construction and development,
- contaminated water from monitoring well construction and development **or capping**,
- discharges from water and wastewater treatment system bench scale and pilot testing,
- discharges resulting from filter backwash operations
- draining of and filter backwash from municipal, commercial, or other non-residential swimming pools,
- water used to clean and rinse storage tanks, natural gas pipelines, or other vessels,
- contaminated waters resulting from construction dewatering activities,
- discharges resulting from water main breaks and water distribution system infrastructure failures,
- emergency discharges of polluted waters,
- dewatering from construction activities,
- tank and vessel bottom water, and
- discharges from the disinfection of newly constructed or repaired potable water mains, and fire hydrant flushing

A. GENERAL CONDITIONS

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment of the New Jersey Department of Environmental Protection such revocation, modification or change is deemed necessary.

2. The issuance of this permit shall not be deemed to affect or restrict in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. This permit does not waive the requirement to obtain other Federal, State or local government consent or approvals when necessary. No work shall be undertaken until such time as all other required approvals and permits have been obtained. This permit does not grant permission to use publicly or privately owned storm sewers or conveyances.
4. The Department reserves the right to require the certifying agent to apply for an individual or other general NJPDES permit if deemed appropriate, or the certifying agent may request exclusion from coverage under this general permit by applying for an individual or other general NJPDES permit.
5. Representatives of the Department shall have the right to enter and inspect any area associated with a discharge authorized under this permit.
6. Permittees having existing individual NJPDES permits with hydrostatic testing requirements may request the Department to modify their existing permit to qualify the hydrostatic testing discharges under this general permit or wait until the renewal of their NJPDES permit.

B. WATER QUALITY REQUIREMENTS

1. The discharge shall not contain toxic pollutants in toxic amounts, as defined under 33 U.S.C. 1251 et seq., the Federal Water Pollution Control Act, or N.J.S.A. 58:10A-1 et seq., the New Jersey Water Pollution Control Act, or other pollutants, including temperature and pH, in mass, concentration, or other measures of degree which could cause adverse impacts or be detrimental to the natural aquatic biota, or which could cause instream exceedances of the Federal Water Quality Criteria in 40 CFR, Part 131 or New Jersey Surface Water Quality Criteria (N.J.A.C. 7:9B-1.14 et seq.) of the receiving water.
2. The discharge shall not cause or result in erosion to the area of the discharge or the surrounding stream banks. Adequate dewatering structures and velocity dissipation devices should be used when necessary to prevent and minimize erosion, stream scouring, and increases in turbidity or any other potential damage to the receiving waters and its environs. Dischargers may refer to "Standards for Soil Erosion and Sediment Control in New Jersey", as promulgated by the State Soil Conservation Committee and N.J.A.C. 2:90-1.3 et seq. In addition, the Regional Soil Conservation District office (organized by county) may be contacted for guidance on soil erosion control.
3. The discharger shall take into account the conveyance capacity of the discharge outlet structure and/or conveyance structure prior to discharge and shall manage or control the flow of the discharge accordingly. The discharge shall not cause or create downstream flooding conditions.
4. The discharge shall not contain any scum, foam or other residual matter.

5. The following pollutant-specific guidelines and requirements shall be employed, when necessary, to comply with the terms of this general permit. Best Management Practices (BMP) and Tank and Vessel Cleaning Requirements (TVCRs) appropriate to this type of discharge shall be employed at all times.

Suspended Solids

The discharger shall minimize the amount of suspended solids or turbidity in the discharge so as to not cause adverse impacts or be detrimental to the natural aquatic biota, or which could cause instream exceedances of New Jersey Surface Water Quality Criteria (N.J.A.C. 7:9B-1.14 et seq.) of the receiving water. If the discharge contains suspended solids, BMPs shall be utilized to reduce or eliminate the levels prior to discharge to receiving waters. These BMPs can include everything from increased retention time up to and including filtration devices (such as hay bales).

Other Solids

There shall be no discharge of floating solids in other than trace amounts. The discharger shall use appropriate BMPs and TVCRs to eliminate floating debris, floatable or settleable solids, including construction or maintenance-related dirt, rust, or scale present in the waters prior to discharge.

Chlorinated Discharges

When chlorinated waters are utilized for hydrostatic testing (e.g. discharges of chlorinated potable water) the discharge shall be aerated and/or treated in such a way that the chlorine level is reduced or dissipated prior to discharging to the receiving waters. If necessary, the water to be discharged shall be directed through hay bales, over grassy areas or rip rap, and/or otherwise sufficiently aerated, bypassing several storm sewer inlets as necessary, to dissipate the chlorine prior to discharging to a storm sewer or the receiving waterbody. A pool chlorination kit can be used to confirm that there is no detectable level of chlorine in the water prior to discharge.

Tank and Vessel Cleaning Requirements

This permit does not authorize the discharge of water used to clean a storage tank and/or vessels or tank or vessel bottom water accumulated in the bottom of the tank/vessel during its operations.

Prior to discharging wastewater from a hydrostatic test, at a minimum, the proper cleaning of the tank and/or vessel must be completed. For above ground storage tanks used for storing petroleum products defined as lubricant or fuel oil (unleaded automotive gasoline, aviation fuel, jet fuel, kerosene, diesel fuel, number 1 fuel oil, number 2 fuel oil, number 4 fuel oil, number 5 fuel oil, number 6 fuel oil or other distillates of crude oil that are used as a lubricant or fuel) and does not include other petroleum based chemicals, the tank cleaning must be completed according to the procedures outlined in the American Petroleum Institute (API) publication 2015, Cleaning Petroleum Storage Tanks, dated September 1985.

Prior to discharging waste water from a hydrostatic test that contains a liquid other than the above referenced petroleum products, the tank and/or vessel must be cleaned pursuant to a recognized federal, state or general industry documented procedure similar to the American Petroleum Institute (API) publication 2015, Cleaning Petroleum Storage Tanks. This identified “cleaning procedure” shall be submitted to the Department along with a signed statement by the authorized agent that certifies the following: “I (Name of Authorized Agent) certify that the cleaning procedures implemented will ensure that the hydrostatic tank test water that will be discharged after the tank cleaning has been completed shall not contain toxic pollutants in toxic amounts, as defined under 33 U.S.C. 1251 et seq., the Federal Water Pollution Control Act, or N.J.S.A. 58:10A-1 et seq., the New Jersey Water Pollution Control Act, or other pollutants which could cause adverse impacts or be detrimental to the natural aquatic biota, or which could cause instream exceedances of applicable Federal or New Jersey Surface Water Quality Standards criteria (N.J.A.C. 7:9B-1.14 et seq.) of the receiving water.” This “cleaning procedure” shall be submitted as an attachment with the Clean Water Assurance Certification that is submitted to the Department and the entity authorizing the work shall retain a copy along with the Clean Water Assurance Certification for a period of five years.

C. CLEAN WATER ASSURANCE CERTIFICATION BY AGENT

1. The company or entity authorizing the activity which will result in the discharge to be authorized by this permit, must designate an agent. The agent will be responsible for ensuring that the discharge complies with all applicable requirements of this permit and must certify this compliance in writing.
2. An original Clean Water Assurance Certification legally executed by the designated agent shall be submitted to the Department’s Division of Water Quality, Point Source Permitting, P.O. Box 029, Trenton, NJ 08625, 14 days prior to discharging and a copy shall be maintained for a period of five (5) years by the entity authorizing the work. A copy of the certification shall also be submitted to the corresponding NJDEP Regional Water Compliance and Enforcement Office, 14 days prior to discharging. A copy of the certification shall also be kept on site. Where this is impractical, a copy shall be kept at the business office of the designated agent and a copy of this certification should be sent to the clerk in the town or municipality in which the discharge will occur. A copy of this certification shall be available so that it may be provided to a Department representative, or other person or persons, upon request. The certification shall contain all of the following information (printed or typed):
 - a) Name of entity authorizing the work (company, town or municipality) resulting in the discharge to surface water. Name and title of a principal officer in the company or of a specified official in the town or municipality other than the designated agent and the business address and telephone number of same;
 - b) Name and title of designated agent, affiliation, address and telephone number;
 - c) The scheduled date(s) of the discharge event(s);

- d) Source of the water being discharged (e.g., ground water, potable water) and nature of the discharge;
- e) approximate quantity or flow rate, as appropriate, of the discharge;
- f) approximate duration of the discharge;
- g) location(s) (street name(s) or street address (as appropriate), municipality, and county) of the discharge;
- h) the receiving waters to which the discharge is directed, including the method of transport (i.e., via storm sewer, ditch, tributary, etc.); and
- i) Best Management Practices to be used (including any chemical dechlorination agents).
- j) The Tank and Vessel Cleaning Requirements (TVCRs) implemented including the source of approved cleaning methods (ex: American Petroleum Institute (API) publication 2015, Cleaning Petroleum Storage Tanks.)
- (k) The Clean Water Assurance Certification shall state specifically: "I, the undersigned, certify under penalty of law that the information provided in this document is true, accurate and complete. I maintain full responsibility for this discharge and its compliance with all applicable requirements as set forth in the NJPDES/DSW General Permit for Short-Term Discharges, NJ0132993. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment. I certify that Best Management Practices and Tank/Vessel Cleaning Requirements appropriate to the discharge have been employed. I have no prior knowledge which would deem this discharge ineligible for coverage under this permit." The certification shall be signed and dated both by the designated agent and by the person listed above who is representing the entity authorizing the work.

Certification forms are available from the Division of Water Quality or the NJDEP Web Page.

- 3. If this certification is not submitted as specified above, or cannot be produced upon request of a Department or other government or jurisdictional representative, the discharger shall be subject to enforcement actions. In addition, the certifying agent shall maintain the certification for a period of five (5) years following the last discharge event authorized by this certification pursuant to this general permit.
- 4. The Department reserves the right to require the discharger to cease discharging and obtain an individual or other general NJPDES permit or to utilize other alternate disposal methods. The Department reserves the right to enforce all applicable NJPDES regulations should there be a suspected or confirmed violation of the conditions of the General Permit for Short-Term Discharges or of the Federal or New Jersey Water Pollution Control Act. Discharges which are not conducted in accordance with all applicable conditions of this

permit and which therefore may result in adverse environmental impacts, including, but not limited to, a fish kill, may subject the authorizing entity to enforcement actions.